IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

WA.No. 2275 of 2007

AGAINST THE JUDGEMENT IN WPC.26117/2007 Dated 04/09/2007
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APPELLANT/PETITIONER:

MASTER RANDHEER LAKSHMANAN (MINOR),
DILPASAND, PALLIKUNNU P.O.,
KANNUR THROUGH FATHER AND GUARDIAN,
SRI.T.P.LAKSHMANAN.

BY ADV. SRI.A.MOHAMED MUSTAQUE

RESPONDENT/RESPONDENT:

THE COMMISSIONER FOR ENTRANCE EXAMINATION,
OFFICE OF THE COMMISSIONER FOR
ENTRANCE EXAMINATION, SANTHI NAGAR,
THIRUVANANTHAPURAM.

BY SR.GOVERNMENT PLEADER SMT.K.MEERA

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 11/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.No.2275 of 2007

Dated, this the 19th day of September, 2007

JUDGMENT

H.L.Dattu, C.J.

Aggrieved by the orders passed by the learned Single Judge in W.P.(C) No.26117 of 2007 dated 4th September, 2007, the appellant is before us in this writ appeal.

2. After going through the pleadings, we were of the opinion that this Court can come to the rescue of the appellant. Therefore, we had directed the learned Government Pleader to seek appropriate instructions from the respondent/the Commissioner for Entrance Examination.

3. The learned Government Pleader on instructions would submit that there are no vacancies under physically disabled quota and therefore, even if a special meeting of the Medical Expert Committee is convened to assess the disability of the appellant/petitioner, no seat can be allotted to the appellant/petitioner. The instructions received by the learned Government Pleader is as under:

> "As per the rules of allotment the vacant seats in the absence of qualified candidates under 'PD' category will be merged to the General Pool. Accordingly the vacant seats have been merged to the General Pool and has been allotted according to the mandatory reservation principles in the second allotment published on 19.09.2007. Hence there are no vacancies under 'PD' Quota to be allotted even if a Special meeting of the Medical Expert Committee is convened to assess the disability of the appellant/petitioner, as second allotment has already been published."

4. In view of the above, in our opinion, we cannot be extending our helping hand to the appellant/petitioner. Therefore, the writ appeal requires to

be rejected and it is rejected. However, liberty is reserved to the appellant to move this Court if for any reason he comes across that any physically disabled quota seat has fallen vacant in any of the Government Engineering Colleges.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns